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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/896,782	06/28/2001	Edward S. Hoskins	STL9980/40046.0154USU1	8895
23552	7590	02/17/2004	EXAMINER	
MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			COLON, ROCIO	
		ART UNIT	PAPER NUMBER	
		2651	DATE MAILED: 02/17/2004	

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/896,782	HOSKINS ET AL.	
	Examiner Rocio Colon	Art Unit 2651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 21 November 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 1-25 is/are allowed.
- 6) Claim(s) 26 is/are rejected.
- 7) Claim(s) 27-30 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 26 is rejected under 35 U.S.C. 102(b) as being anticipated by Dobbek (USPN 5,890,209).

Dobbek et al. discloses a disc drive having a data storage disc, an actuator for positioning a transducer over the data storage disc (Fig. 3 element 206) and a disc controller for communicating with a host computer (Fig. 3 element 212) controlling position of the actuator and controlling access to sequentially arranged data sectors on tracks on the data storage disc, the disc drive comprising:

a buffer having sequentially arranged buffer sectors (Fig. 3, element 276);

a read/write channel receiving data retrieved from the disc by the transducer (Fig. 3, element 213);

an interface between the read/write channel and the buffer, the interface transmitting data read through the read/write channel to the buffer sectors of the buffer (Fig. 3, elements 214 and 219);

a formatter between the interface and the read/write channel for timing when data is transferred between the interface and the read/write channel (Fig. 3, element 215);

a buffer manager building and updating a vector buffer manager list which indicates an order in which the buffer may be accessed (Fig. 4, element 282); and
a skip mask mechanism operably connected to the formatter providing an instruction list directing the formatter whether to enable a passage of data between the interface and the read/write channel for each sequentially accessed sector on a data segment being read pursuant to a read command from the host computer (column 12, lines 64-67 and column 13, lines 1-7).

Allowable Subject Matter

3. Claims 1-25 are allowed.
4. The following is an examiner's statement of reasons for allowance:
5. Regarding claims 1, 15 and 21 the prior art fail to disclose a method that in response to encountering at least two errors while attempting to read at least two of the plurality of sequentially arranged data sectors, generating an instruction list identifying the at least two sectors which the errors were encountered; and executing a read error recovery procedure for reading data from the at least two sectors on which the errors were encountered, wherein the read error recovery procedure accesses and attempts to read data from the at least two sectors identified on the instruction list.

Allowable Subject Matter

6. Claims 27-30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

7. Applicant's arguments with respect to claim 26 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rocio Colon whose telephone number is (703) 305-3947. The examiner can normally be reached on Mon-Thu 8:00a.m.-6:30p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on (703)308-4825. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

[Signature]
rcv

February 5, 2004

[Signature]
DAVID HUDSPETH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600